(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1916 / 2004

PETITIONER : Vishnu Ram Bhoyer,
S/o Shri S. L. Bhoyer,
aged about 36 years, working as
Assistant Teacher at Primary
School, Aader, Abujhmad, Orcha,
R/o Village- Sarandi, Post-Sarandi,
Tahsil- Antagarh, District-Kanker
(Uttar Baster ) (C.G.)

P. R. No. 1922/04
Presented by Shri A.K. Agrawal
dated 6-5-04

-Versus-

RESPONDENTS : 1. State of Chhattisgarh,
Through the Secretary Adim Jaiti
Tatha Anusuchit Jati Vikas
Vibhag, Mantralaya, Raipur (C.G.).

2. Director,
Adim Jaiti Tatha Anusuchit Jati
Vikas Vibhag, Raipur (C.G.).

3. Collector (Adivashi Vikas
Shakha), Jagdalpur (C.G.).

4. Assistant Director, Adim Jaiti
Tatha Anusuchit Jati Vikas Vibhag,
Collectorate Building, Jagdalpur(Baster)
(C.G.).

RECEIVED COPY
6/5/04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC.OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

Details of the petition.

1. PARTICULAR OF THE PETITIONER :

As per cause title.

एपथ आयुक्त
एस.के. अग्रवाल
बिलासपुर तहसील छत्त

(23)

उच्च न्यायालय, छतीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P. No. 1916/2004 सन् 200

.....विरुद्ध.....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**29-7-2004**

Shri Prashant Jaiswal, Advocate for the petitioner.

Shri Sudhir Agrawal, Panel Lawyer for the State.

I.A. No. 4495/2004 for urgent hearing is allowed.

Heard on I.A. No. 4496/2004 for exemption from filing the typed copy of the documents.

Application is allowed. Exemption from filing the typed copy is granted to the petitioner.

Heard.

Counsel for the petitioner submits that the matter is exactly similar to that of W.P. No. 1465/2004. A copy of that has been filed as Annexure P-5. He prays for similar orders in this case also.

Counsel for the petitioner submits that earlier transfer order was passed as per Annexure P-1 dated 3-9-2003 and his name appeared at Sr. No. 1. It is stated that the said transfer order has not been cancelled. Once a person is transferred and his transfer is not cancelled, there is no justification in keeping him in earlier place. It is submitted that because of Lok Sabha elections and Vidhan Sabha elections he was not relieved and now the elections are over, therefore he may be relieved. He relied on a decision in case of Bir Bajrang Kumar -v- State of Bihar and others, reported in AIR 1987 SC 1345 to contend that in the cases involving

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 1916/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

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the identical questions, similar orders should be passed to avoid possibility of contradictory judgements in same case.

Having considered the facts and circumstances of the case and material on record, it is directed that if the transfer order has not been cancelled then he be relieved within a period of three weeks from the date of production of certified copy of this order.

The petition is accordingly disposed of.

Consequently, M.W.P. No. 1718/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

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